

Hon. Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

VARTAN DIXON,

Plaintiff,

vs.

CITY OF SEATTLE, WASHINGTON  
SEATTLE CITY LIGHT, and 3 “John Doe”  
employees or former employees of the City of  
Seattle,

Defendants.

No. C20-1838-RSM

**COMBINED JOINT STATUS REPORT  
AND DISCOVERY PLAN AS REQUIRED  
BY FRCP 26(F) AND LCR 26(F)**

Pursuant to the Court’s January 8, 2021 Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement, the parties submit the following Joint Status Report and Discovery Plan:

1. Nature and Complexity of the Case: Plaintiff Vartan Dixon initially alleged in state court pleadings that Defendant City of Seattle, Seattle City Light, violated 42 U.S.C. §§ 1981 and 1983, but he has a pending Motion before this Court for leave to file a First Amended Complaint dismissing those claims. Plaintiff also alleges race discrimination and retaliation in violation of the Washington Law Against Discrimination (RCW 49.60.010, et seq) and Seattle Municipal Code (SMC 14.04.010, et seq), as well as common law claims for negligence, intentional infliction of

1 emotional distress and negligent infliction of emotional distress. Defendant City of Seattle (the  
2 “City”) denies wrongdoing and further denies Plaintiff is entitled to relief or damages for the  
3 asserted claims.

4 The parties agree the issues in this case are of standard complexity.

5 Plaintiff’s motion to amend the complaint to drop his federal claims is currently pending.

6 2. Proposed Deadline for Joining Additional Parties: Plaintiff has filed a motion for  
7 leave to amend the complaint to remove the federal claims and to remand this case back to state  
8 court. The City does not object to the amendment to the complaint, but requests dismissal of this  
9 case. The Parties do not anticipate joining any additional parties however Plaintiff included “John  
10 Doe” parties whose potential inclusion would depend on discovery.

11 3. Agreement to Magistrate Judge: The parties do not agree to the use of a Magistrate  
12 Judge.

13 4. Related Cases: No related cases currently exist before this Court or in another  
14 jurisdiction. However, this case was originally filed Pro Se in state court, was removed from state  
15 court by Defendants, and plaintiff currently has a motion pending seeking remand back to state  
16 court.

17 5. Initial Disclosures: The parties exchanged initial disclosures on February 12, 2021.  
18 Plaintiff produced documents Bates numbered 000001-001395. The City produced documents  
19 Bates numbered 000007-001792. The exchange of initial disclosures was timely under the Court’s  
20 Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement.

21 6. Expert and Pretrial Disclosures: The parties do not propose any changes to the  
22 timing or form of expert and pretrial disclosures under FRCP 26(a)(2)-(4).  
23

1           7.     Subjects, Timing, and Potential Phasing of Discovery: The parties anticipate that  
2 discovery in this case will follow the standard course with no need for specific phasing, limiting  
3 of subjects or extended time periods. The parties agree that the limitations placed on discovery by  
4 the Federal Rules of Civil Procedure do not need to be expanded or contracted in this matter. The  
5 parties will endeavor to exchange discovery information and documents efficiently to minimize  
6 expense. The parties have agreed to accept discovery and correspondence electronically. The  
7 parties do anticipate having discussions regarding the scope of confidential material for a stipulated  
8 protective order. Because of Plaintiff's pending motion to remand this case to state court, the  
9 parties do not currently anticipate requesting entry of a stipulated protective order in this forum.

10           8.     Agreements or Issues Related to the Preservation of Discoverable Information: The  
11 parties agree to preserve all discoverable information, including electronically stored information.

12           9.     Electronically Stored Information: The parties agree to preserve electronically  
13 stored information.

14           10.    Privilege: The parties do not anticipate that this case will involve unique claims of  
15 privilege or work product protection, but do recognize that because both Plaintiff and the City  
16 were obtaining legal advice for years before this lawsuit was filed, there may well be more  
17 attorney-client privileged material or work product material than is usual in this type of lawsuit.

18           11.    Inadvertent Disclosure of Privileged Information: The parties recognize the  
19 importance of privilege and will cooperate in the return and destruction of privileged information  
20 should an inadvertent disclosure occur.

21           12.    Changes on Limitations to Discovery: The parties do not propose any limitations  
22 above and beyond the limitations already provided by the Federal Rules of Civil Procedure.  
23

1           13.    Date by Which Discovery Can be Completed: Because of Plaintiff's pending  
2 motion to amend the complaint to remove federal claims and remand this case back to state court,  
3 the parties believe that a discovery cutoff date should be set after the forum for litigation is settled.

4           14.    Suggestions for Prompt and Efficient Resolution: The parties intend to litigate this  
5 case in a prompt and efficient manner and as noted below are willing to continue to engage in  
6 alternative dispute resolution prior to trial. The parties do not anticipate the need for bifurcation of  
7 liability and damages issues at this time.

8           15.    Alternative Dispute Resolution: The parties have twice attempted to resolve these  
9 claims through mediation, using two different mediators in December 2019 and August 2020, but  
10 have not been able to resolve the claims. The parties are open to further settlement discussions as  
11 the case progresses. This case is appropriate for alternative dispute resolution pursuant to local rule  
12 39.1. The parties do not agree to the individualized trial program set forth in LCR 39.2.

13           16.    Month Ready for Trial: Because of Plaintiff's pending motion to amend the  
14 complaint to remove federal claims and remand this case back to state court, the parties believe  
15 that a trial date should be set after the forum for litigation is settled.

16           17.    Jury or Non-Jury: No Jury Demand has been filed.

17           18.    Number of Trial Days Required: See answer to #16 above.

18           19.    FRCP 7.1 and LCR 7.1 Disclosures: There is no nongovernmental corporate party  
19 in this matter.

20           DATED this 19th day of February, 2021.

21           MANN & KYTLE, PLLC

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Seattle City Attorney

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8 *(authorization to sign obtained)*

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